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PATENT

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F.W. [signature]
8/10/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)

HEED, Björn)

Examiner: Leonard R. Leo

Serial No.: 08/737,042)

Art Unit: 3743

Filed: October 30, 1996)

For: HEAT EXCHANGER AND METHOD FOR ITS MANUFACTURE

Attorney Docket No.: C35620

RESPONSE

RECEIVED

AUG 10 1999

TECHNOLOGY CENTER 3700

Hon. Commissioner of Patents
and Trademarks
Washington, D. C. 20231

August 2, 1999

Sir:

The Applicant received an Office Communication dated July 8, 1999, claiming that his Amendment of April 23, 1999, was non-responsive. According to the Examiner, the amended claim now reads on Figure 4, and that it originally read on Figure 1, making the response a non-responsive one.

The Applicant respectfully requests the Examiner to reconsider his decision. The difference between the embodiments of Figures 1 and 4 is the location of the inlet and outlet ports. Throughout the prosecution history thus far, the claims have always read on both of the embodiments disclosed in Figures 1 and 4. In fact, the Rule 116 Amendment filed on July 10, 1998, contained language that the inlet and outlet ports were at the corners, however this amendment was not entered because the Examiner claimed it required a new search. The claim now of record in this case was that of the Rule 116 Amendment but further modified through a preliminary amendment to remove the corner location language and to more fully describe the heat exchanger element.

As it appears, the Examiner is only concentrating on a part of the claimed elements and ignoring the remainder for even the Figure 4 embodiment is understood as including the accorian-like packing element set forth in the language of the claim.

Thus, it is Applicant's contention that the Examiner is now creating a quasi restriction requirement, forcing the Applicant to draft a claim unnecessarily restricted to only one of the disclosed embodiments, contrary to Applicant's right to claim his invention as broadly as possible.

Therefore, should the Applicant be required to restrict his invention based on that aspect, Applicant requests the Examiner to officially require that action.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231, on August 2, 1999.



Patricia A. Mohr